

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Cameron, DiDonna, Olvany, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Chairman Cameron opened the meeting at 8 P.M. and read the following agenda item:

**GENERAL MEETING**

**Public Comment Session—first meeting of each month**

Opportunity for the general public to present comments to the Commission on topics or items which are not pending applications.

None of the public was present to make any comments at this time.

Chairman Cameron then read the following agenda item:

**Amendment of Special Permit Application #65, Noroton Heights Fire Department, 209 Noroton Avenue and**

**Amendment of Special Permit Application #125-E, Mather Center, 2 Renshaw Road**

Request to establish Noroton Heights Fire Department as a polling place, and the Senior Center/Community Center as a backup polling place.

Kathy Hammell, Democratic Registrar of Voters, explained that there has been some difficulty making sure that the polling places comply with State Election Laws and Board of Education security requirements. For example, the Board of Education requires that everyone entering a school building have proper identification, whereas the election laws do not require people to provide identification. John Visi, Republican Registrar of Voters, said that the fire department has been very cooperative and the plan now is to use the Noroton Heights Fire Department as a polling place. The Mather Center, adjacent to the Town Hall, would be a backup polling site. The two Registrars explained that they are still looking at other sites to conduct elections. They will continue to work with the Board of Selectmen and the Board of Education.

Planning & Zoning Commission members reviewed the two letters submitted by the registrars. The following motion was made: That the Planning & Zoning Commission authorize the amendment to the Special Permits for the Noroton Heights Fire Department and Mather Center to also be used as polling places in accordance with the submitted request. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 2 OF 8

Chairman Cameron read the following agenda item:

**Amendment of Business Site Plan #24-V, Goodwives Shopping Center, Old King's Highway North.** Request to install electric car charger adjacent to one parking space near People's United Bank.

Commission members reviewed the information that had been distributed. Maziar Dalaeli was present to answer questions requiring the proposal to install the electric automobile charger. He said that the parking space would not be reserved solely for people charging their car but most people will not park in that space if it is designated for electric car charging. He said that the parking space that has been selected is not a prime space close to the building entrances. He said that experience will provide lessons that will improve the charging facilities and will make it more accessible for the clients in the future. Mr. DiDonna said that clearly marking the parking space will result in most people complying with the intent. Mr. Dalaeli said that potential users of the recharging station will find the site with their smart phone app. He said that this is a "super-fast" charging facility and that in 20 minutes it will provide an 80% charge. He said that the US/European standard and Japanese standard electrical connections will be available at Goodwives Shopping Center site. He said that the Tesla standard may be available in the future. He said they recently installed a charging station at Ridgeway Shopping Center in Stamford.

The following motion was made: That the Planning & Zoning Commission authorize the amendment of Business Site Plan #24-V to allow for the electric car charging facility in accordance with the submitted plans and designs. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved.

Chairman Cameron read the following agenda item:

**Discussion regarding potential Zoning Regulation amendments.**

Section on non-conforming use of building or land—383d

Section on appeals to the ZBA—1126a

Mr. Ginsberg said that Section 383d of the Zoning Regulations concerns non-conforming uses and does not conform with amendments to State Statutes and recent court decisions. Section 1126a of the Zoning Regulations concerns appeals to the Zoning Board of Appeals and it too must be revised to comply with and be consistent with the State Statutes. The Commission authorized staff to draft up proposed amendments and to schedule a public hearing for a future meeting.

Chairman Cameron then read the following agenda item:

*Discussion and possible decision on the following:*

**Land Filling & Regrading Application #320, Bourdo, LLC, 120 Long Neck Point Road.**

Proposing to regrade the back yard of the property and construct associated retaining walls and perform related site development activities. *DECISION DEADLINE: May 1, 2014.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to read the draft

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 3 OF 8

prior to the meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Commission members discussed the draft resolution and made several minor modification and clarifications. The following motion was made: That the Planning & Zoning Commission adopt the revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was by Mr. Olvany, seconded by Mr. DiDonna and was unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
March 4, 2014**

Application Number: Land Filling & Regrading Application #320

Street Address: 120 Long Neck Point Road  
Assessor's Map #60 Lot #7

Name and Address of:	Bourdo, LLC
Property Owner:	120 Long Neck Point Road Darien, CT 06820

Name and Address of	Jeff McDougal
Applicant and	William Seymour & Associates
Applicant's Representative:	170 Noroton Avenue Darien, CT 06820

Activity Being Applied For: Proposing to regrade the back yard of the property and construct associated retaining walls and perform related site development activities.

Property Location: The subject property is located on the west side of Long Neck Point Road approximately 600 feet north of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: February 25, 2014

Time and Place: 8:00 P.M.      Room 206      Town Hall

Publication of Hearing Notices  
Dates: February 14 & 21, 2014

Newspaper: Darien News

Date of Action: March 4, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:  
March 14, 2014

Newspaper: Darien News

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 4 OF 8

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to regrade the back yard of the property and construct associated retaining walls and perform related site development activities. There is no change to the front yard, which is now flat.
2. The existing back yard, which now slopes down from the house toward the west property line will be graded to establish two relatively flat lawn areas. The northern lawn area will be one to two feet higher than the south lawn area.
3. As part of this application, a Stormwater Management Report dated January 15, 2014 was submitted by LBM Engineering, LLC. That report notes that the work outlined within this application request is actually part of other work ongoing at this property. As a result of all of this work, stormwater management has been proposed by the applicant in the form of two infiltrators/dry wells in the back yard of the property. The stormwater management will result in no increase in the peak rates of runoff as a result of this project. They will be leveling the grade of the back yard in order to reduce the velocity of the water. They will be improving the existing drainage situation.
4. The Commission notes the need for the applicant or property owner(s) to file a Notice of Drainage Maintenance Plan in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
5. This application includes extensive stone retaining walls with footings, and those walls will range from zero to four feet high. The stone wall will be four feet high maximum at the southwest corner of the property. There will be no wall at the northwest corner of the property. The wall will be slightly higher than the lawn. The property to the west of the wall, the adjacent Marber property, is wooded, and thus, the wall should have minimal visual impact on that property due to its height and location.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 5 OF 8

7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #320 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work for the back yard of 120 Long Neck Point Road shall be in accordance with the following plan, submitted to and reviewed by the Commission:
- Site Plan prepared for Bourdo, LLC 120 Long Neck Point Road, scale 1"=30', by LBM Engineering, LLC, dated February 15, 2014.
- B. At the public hearing, the applicant's engineer, Mr. Martucci, said that he could submit a revised signed and sealed plan with the test pit data on it. That plan shall be submitted prior to the start of the regrading work, but no later than March 30, 2014.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- D. During the regrading and site work, the applicant shall utilize the sediment and erosion control measures shown on the Site Plan noted in Condition A, above, and other measures as may be necessary due to site conditions, including the possible need for a silt fence downhill from the proposed retaining wall. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. By May 4, 2014 (within the next 60 days) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 120 Long Neck Point Road to maintain the on-site drainage facilities, and will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work in the back yard.
- F. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the residence, the applicant shall submit verification from a professional engineer in writing and/or photographs that all aspects of the site regrading

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 6 OF 8

and drainage have been completed in compliance with the approved plans referred to in Condition A, above.

- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (March 4, 2015). This may be extended as per Section 858.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records within 60 days of this action and prior to the start of any filling or regrading work proposed as part of this application, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

*Discussion and deliberation ONLY on the following:*

**Subdivision Application #613, Estate of Mary Metzger/Oak Crest Developers LLC, 174 Middlesex Road.** Proposing to subdivide the existing property into two lots. *DECISION DEADLINE: 5/1/2014.*

Commission members noted that the Open Space requirement of the Subdivision Regulations would not be applicable in this case because the applicant will use the first cut to reduce the total acreage to less than three times the minimum lot size required in the zone. The Commission will need to make the approval of the subdivision of the remaining piece of land contingent upon first implementing that free cut. Commission members agreed that curb cut locations need to be specified on the map, and also in the resolution. They also confirmed that the applicant has agreed to properly document the old building before it is demolished. The Commission wants to make sure the stone wall on the front portion of the property continues to maintain that old, informal, farmer's style field stone wall in use, not a formal style. Staff will draft a resolution for consideration at a future meeting in March.

Chairman Cameron read the following agenda item:

**Special Permit Application #160-D, AT&T (New Cingular Wireless, PCS, LLC), 24 Chestnut Street.** Proposing to install twelve panel antennas behind the existing water tank enclosure, install a replacement generator, and perform related site development activities. *DECISION DEADLINE: May 1, 2014.*

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 7 OF 8

Commission members believed that the application would be acceptable and asked the staff to draft a resolution for consideration at a future meeting.

Chairman Cameron then read the following agenda item:

**Discussion of upcoming meeting schedule.**

Commission members discussed the upcoming schedule and agreed to cancel the meeting scheduled for March 11, 2014. Mr. Ginsberg will review the pending items and see if it is appropriate to schedule a Special Meeting for Wednesday, March 19 or Thursday, March 20. Otherwise, the next regularly scheduled meeting would be on Tuesday, March 25, which will include a number of public hearing items.

Chairman Cameron then read the following agenda item:

**Approval of Minutes**

*February 11, 2014      Public Hearing/General Meeting*

Several minor corrections and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the corrected minutes. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and all voted in favor except Mr. Sini who abstained because he was not present on February 11.

*February 25, 2014      Public Hearing/General Meeting*

Several corrections and typographical errors were discussed and modifications were agreed upon. The following motion was made: That the Planning & Zoning Commission adopt the corrected minutes. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

**Any Other Business (Requires two-thirds vote of Commission)**

The following motion was made: That the Planning & Zoning Commission discuss downtown parking under Other Business. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Commission members noted that they have recently received numerous communications regarding the Grove Street parking lot which is currently shared by commuters (long term parkers) and shoppers (short term users). In the past, the Planning & Zoning Commission had indicated that this area should be for shoppers and that commuter parking should be elsewhere. The actual implementation of the parking policy is up to the Board of Selectmen (in their role as the Parking Authority), and enforcement is the responsibility of the Department of Public Works. As more businesses have been opened in the downtown in recent years, it is a more vibrant business area, and there has been a greater demand for parking of employees and customers. Commission members noted that there needs to be a balance between the needs for commuters for long term parking close to the train station, and the needs of shoppers to park close to the business(es) that they wish to patronize.

Mr. Olvany said that it is his understanding that in 2003, the approval for renovation/redevelopment of the Darien train station apparently allowed the temporary use of the Grove Street parking area for

PLANNING & ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
MARCH 4, 2014  
PAGE 8 OF 8

commuters. It is now appropriate that the commuter parking be phased out from the Grove Street parking lot. The Planning & Zoning Commission asked staff to draft a letter to Jayme Stevenson (with the letter to be signed by Chairman Cameron) expressing their concern regarding this matter, and noting their desire to work together to resolve parking issues in downtown.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany, and unanimously approved. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,

David J. Keating  
Planning & Zoning Assistant Director

*03.04.2014min*